

Notice of Allowability

Application No.

10/083,137

Examiner

Sean P. Shechtman

Applicant(s)

HANSON, JAY L.

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3 August 2004.
2. ☒ The allowed claim(s) is/are 23-25, 27-35, 37-40, 42, 43, 45-51, 53-56 and 58-61.
3. ☒ The drawings filed on 26 February 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

Art Unit: 2125

DETAILED ACTION

1. Claims 23-25, 27-35, 37-40, 42-51, 53-56, and 58-61 are presented for examination. Claims 23, 24, 27, 28, 30-35, 37-40, and 42-45 have been amended. Claim 61 has been added.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Glen Weitzer on August 10th 2004.

The application has been amended as follows:

Claim 44 has been cancelled.

Claim Rejections - 35 USC § 102

3. Rejections withdrawn due to the amendment.

Claim Rejections - 35 USC § 103

4. Rejections withdrawn due to the amendment.

Allowable Subject Matter

5. Claims 23-25, 27-35, 37-40, 42, 43, 45-51, 53-56, and 58-61 are allowed.

The following is an examiner's statement of reasons for allowance:

While Karg teaches a system for remotely controlling climate control devices of a plurality of mass transit vehicles, wherein Karg teaches that the operator can reprogram the remote climate control program, and then the heating element control, evaporator and

Best Available Copy

Art Unit: 2125

compressor control and fan control will automatically respond, wherein the operator reprograms the control program, when the inputted unit value changes and the programmed stored temperature values are no longer desired.

And Hanson teaches a refrigeration unit including an operator switch having a selector element that is movable between the first and second positions corresponding to continuous and cycle operating modes.

And, O'Brien teaches a control system for a refrigeration system and a controlled atmosphere system to regulate the temperature and the atmosphere, respectively, within a container, wherein the control system stops the controlled atmosphere when it determines that the conditions within the container are not met.

Referring to claims 45 and 61, neither Karg nor Hanson, taken either alone or in obvious combination disclose a transport temperature control unit having cooling and heating cycles for cooling and heating a conditioned space within a transport to maintain the conditioned space at temperature setpoint, having all the claimed features of applicant's instant invention, specifically including: a programmable temperature range being operable to control the operation of the unit in the conditioned space by being selectively operable to utilize one of the first pre-programmed control mode and the second control mode, wherein the unit control mode is one of a cycle mode, continuous mode, and a cycle/continuous select mode.

Referring to claims 23 and 61, Neither Karg nor O'Brien, taken either alone or in obvious combination disclose a transport temperature control unit with first and second programmable temperature ranges to maintain first and second conditioned spaces within a transport, having all the claimed features of applicant's instant invention, specifically

Best Available Copy

Art Unit: 2125

including: "selecting a first priority for the first programmable temperature range and a second priority for the second programmable temperature range by the end user".

It is for these reasons that applicant's invention defines over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean P. Shechtman whose telephone number is (703) 305-7798. The examiner can normally be reached on 9:30am-6:00pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo P. Picard can be reached on (703) 308-0538. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Best Available Copy

Art Unit: 2125

SPS

Sean P. Shechtman

August 10, 2004

A handwritten signature in black ink, appearing to read "L. P. Picard". The signature is written in a cursive, flowing style with a large, looped initial "L" and a distinct "P" and "Picard" following.

LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100